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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,714	06/26/2003	Naysen Jesse Robertson	200207937-1	5777

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EXAMINER	
BARAN, MARY C	

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/606,714	ROBERTSON ET AL.	
	Examiner	Art Unit	
	Mary Kate B. Baran	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-75* is/are pending in the application.

4a) Of the above claim(s) *18-75* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/26/03;12/9/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

I. The species best illustrated by Figure 1A.

II. The species best illustrated by Figure 2.

III. The species best illustrated by Figure 3.

IV. The species best illustrated by Figure 1B.

V. The species best illustrated by Figure 9C.

VI. The species best illustrated by Figure 10.

VII. The species best illustrated by Figure 4B.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Claim 1 is generic to species II and III.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations

of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. During a telephone conversation with Michael Verga on 14 March 2006 a provisional election was made with traverse to prosecute the invention of species I, claims 1-17. Affirmation of this election must be made by applicant in replying to this Office action. Claims 18-75 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

3. The information disclosure statement filed 17 August 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. No copy of JP 2000172536 has been received. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

4. Claims 4 and 14 are objected to because of the following informalities:

(a) Claim 4 recites the limitation "said diagnostics software"; however, claim 4 is dependent on claim 1 and the diagnostics software limitation is found in claim 3.

(b) Claim 14 recites the limitation "BMC controller"; however, claim 14 is dependent on claim 13. Neither claim 13 nor claim 14 are dependent on claim 9, which recites the BMC controller.

Appropriate correction is required.

Specification

5. The disclosure is objected to because of the following informalities: on page 1 "Background" line 6, "development, manufacturing and/or" should be – development and/or manufacturing –.

Appropriate correction is required.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Vogley (U.S. Patent No. 6,617,872).

Referring to claim 1, Vogley teaches an electronic system (see Vogley, column 2 line 57 – column 3 line 6), a system for margin testing one or more components of the electronic system (see Vogley, column 4 lines 1-2), comprising: a controller internal to said electronic system (see Vogley, column 3 lines 36-39); and a digital parameter adjuster in communication with said controller and with selected ones of said components (see Vogley, column 4 lines 39-51), said adjuster setting at least one operating parameter associated with at least one of said components to one or more test values in response to commands from said controller (see Vogley, column 4 lines 39-51 and column 6 lines 15-20).

Referring to claim 2, Vogley teaches a hardware monitor in communication with said controller and said components to receive information from said components in response to said test values and to transmit said received information to the controller (see Vogley, column 4 lines 46-51 and column 5 lines 1-19).

Referring to claim 3, Vogley teaches a diagnostics software for collecting data regarding response of the electronic system to said test values of the operating parameter (see Vogley, column 3 lines 17-32).

Referring to claim 4, Vogley teaches that said controller executes said diagnostics software (see Vogley, column 3 lines 17-32).

Referring to claim 5, Vogley teaches that said controller transmits software command signals to said parameter adjuster to effect variation of said operating parameter (see Vogley, column 5 lines 1-19 and column 6 lines 15-20).

Referring to claim 6, Vogley teaches that said operating parameter is a frequency applied to one or more of said selected components (see Vogley, column 4 lines 30-31).

Referring to claim 7, Vogley teaches at least one communications bus for coupling said controller to said parameter adjuster and said hardware monitor (see Vogley, column 6 lines 39-47).

Referring to claim 8, Vogley teaches that said controller implements management of said components of the electronic system (see Vogley, column 1 lines 30-39).

Referring to claim 13, Vogley teaches that said parameter adjuster is a digital programmable frequency synthesizer (see Vogley, column 4 lines 39-43).

Referring to claim 14, Vogley teaches that said frequency synthesizer receives an input reference clock signal and, in response to a command signal from said controller, generates an output clock signal as a multiple of said input clock signal (see Vogley, column 3 lines 7-16).

Referring to claim 15, Vogley teaches that said frequency synthesizer applies said output clock signal to one or more of said selected components for testing thereof (see Vogley, column 3 lines 7-16).

Referring to claim 16, Vogley teaches that said electronic system comprises a computer system (see Vogley, column 2 line 57 – column 3 line 6).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9-12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogley (U.S. Patent No. 6,617,872) in view of Hawkins et al. (U.S. PG-Pub. No. US2003/0130969) (hereinafter Hawkins).

Referring to claims 9-12 and 17, Vogley teaches all the features of the claimed invention except that said controller is a Baseboard Management Controller (BMC); that

the BMC implements Intelligent Platform Management Interface (IPMI) protocol; that the communication bus is a I^2C-based bus; that said I^2C-based bus is an IPMB bus; and that said computer system is a computer server.

Hawkins teaches that said controller is a Baseboard Management Controller (BMC) (see Hawkins, page 2 [0015]-[0017]); that the BMC implements Intelligent Platform Management Interface (IPMI) protocol (see Hawkins, pages 1-2 [0014]); that the communication bus is a I^2C-based bus (see Hawkins, page 1 [0006]); that said I^2C-based bus is an IPMB bus (see Hawkins, page 1 [0013]); and that said computer system is a computer server (see Hawkins, page 1 [0004]).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Vogley to include the teachings of Hawkins because including a Baseboard Management Controller (BMC), implementing an Intelligent Platform Management Interface (IPMI) protocol, including an I^2C-based bus, wherein said I^2C-based bus is an IPMB bus, and that said computer system is a computer server would have allowed the skilled artisan to provide a star intelligent platform management bus topology.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Monfared et al. teach frequency margin testing of bladed servers.

(b) Heuer teaches a margin test method and apparatus for integrated services digital networks.

(c) Camporese et al. teach a programmable clock tuning system and method.

(d) Ooishi et al. teach a synchronous semiconductor integrated circuit device capable of test time reduction.

(e) Dolby teaches an apparatus and method for calibrating recording and transmission systems.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Kate B. Baran whose telephone number is (571) 272-2211. The examiner can normally be reached on Monday - Friday from 9:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

17 March 2006

CAROL S.W. TSAI
PRIMARY EXAMINER